



March 2, 2021

National Freedom of Information Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Dear EPA FOIA Officer:

This is a request under the Freedom of Information Act. On behalf of ProPublica, The Texas Tribune and myself, jointly, I respectfully request the following public records:

Records containing the final analytical EPA Trace Atmosphere Gas Analyzer ("TAGA") data and synchronized GPS coordinates for the 319 monitoring events conducted between March 17, 2019 and May 20, 2019; these monitoring events are associated with the 2019 Intercontinental Terminals Company Fire in Deer Park, Texas. This includes, but is not limited to, responsive records in the possession of the EPA/Emergency Response Team, including records in the VIPER database. This request encompasses records containing:

- tabulated numerical interpretations of graphical representations of TAGA data in units of
- parts per billion (ppbv) or micrograms per cubic meter ($\mu\text{g}/\text{m}^3$);
- all available analytical data, including measurements below the short-term Air
- Monitoring Comparison Values (AMCVs), as determined by the Texas Commission on
- Environmental Quality; for each measurement:
 - time, date, and location (geographical coordinates);
 - correlated meteorological data;
 - substance measured (benzene, m/p-xylene, o-xylene, and toluene)
 - measurement level
 - Units
 - detection limit
 - quantification limit

I prefer to receive these records in either a .CSV file or an Excel spreadsheet.

I am available to discuss the scope of the request and answer any questions by phone at (512) 304-5049 or email at kiah.collier@propublica.org.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. This information is being sought on behalf of ProPublica and The Texas Tribune, two independent, non-profit news organizations, for dissemination to the general public.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities, specifically the EPA's air monitoring efforts following the ITC fire at the request of the Texas Commission on Environmental Quality. As non-profit journalistic entities, ProPublica and The Texas Tribune do not have the same commercial interests of other news organizations.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I also ask that this request be expedited under terms of the Freedom of Information Act. Expedited processing is allowed for requests that show a "compelling need," and ProPublica and The Texas Tribune are primarily engaged in disseminating information, with an urgency to inform the public concerning federal government activity.

As the Act states, you have 10 days to decide whether to grant expedited processing.

Our rationale for expedited processing under the "compelling need" stipulation is as follows:

In addition to the above-stated fact that ProPublica and The Texas Tribune are primarily engaged in disseminating information in the public interest, there is an urgency to inform the public of potential air quality and related public health concerns during the ITC fire that have not been previously reported or presented in a clear way. The fire, whose third anniversary is this month, received significant media coverage as it burned for four days and sent a plume of black smoke over the Houston region, which is home to millions of people. This disaster is still under review by the U.S. Chemical Safety Board, which hasn't yet issued a final report.

It is our understanding that the EPA has already released most of this information to the non-profit Environmental Defense Fund, meaning the agency should be able to quickly reproduce it for us. However, it appears the EPA failed to provide certain responsive records to EDF, specifically numerous air samples taken on certain days during the event. We respectfully ask that the EPA release that information.

Since ProPublica and the Tribune began publishing, in 2008 and 2009, respectively, the publications have received numerous recognitions of journalistic excellence, including six Pulitzer Prizes, eight George Polk Awards, and four Peabody Awards. We publish content daily on our websites, www.propublica.org and www.texastribune.org. Our newsrooms actively cover environmental disasters like the ITC fire and in requesting these records, would primarily engage in disseminating information (i.e., reviewing and reporting on these records and sharing our findings with the

public) where there is “an urgency to inform the public concerning actual or alleged Federal Government activity,” as the compelling need provision requires.

I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

I look forward to your reply, as the statute requires. Thank you for your assistance.

Sincerely,

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